

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

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Applicant(s): **Ludvig et al.**
Case: **DIVA/168CIP1**
Serial No.: **09/359,561** Filed: **7/22/99**
Group Art Unit: **2611** Confirmation #: **2978**
Examiner: **Huynh, Son P.**
Title: **METHOD AND APPARATUS FOR ENCODING A USER
INTERFACE**

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.	
<u>10/4/04</u> Date	<u>Laura E. Crater</u> Laura E. Crater

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
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RESUBMITTED 18 PAGES

SIR:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment (Paper No. 19) mailed on October 17, 2003 but not received by Applicants until October 4, 2004, please consider the above-identified patent application as follows.

Should the Office deem this application to have been abandoned, Applicants' respectfully petition the Office to withdraw the holding of abandonment because the October 17, 2003 Notice of Non-Compliant Amendment was not received.

Response
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Applicants' filed a response to the June 3, 2003 Office Action on September 5, 2003. Not having received a further communication from the Office, on May 24, 2004, Applicants inquired as to the status of this application. Attached are copies of Applicants' May 24, 2004 Status Inquiry and Auto-Reply Facsimile Transmission acknowledging receipt of the Status Inquiry by the Patent Office. Applicants have not received a PTO response to the Status Inquiry. On October 4, 2004, the Examiner called to ask if Applicants had deliberately not responded to the Notice of Non-Compliant Amendment mailed on October 17, 2003. Applicants advised the Examiner that the Notice of Non-Compliant Amendment had not been received, and the Examiner kindly faxed a copy to the Applicants.

A search of the file jacket and docket records indicates that the Notice of Non-Compliant Amendment mailed October 17, 2003 was not received. A copy of the docket record where the nonreceived Office Action would have been entered had it been received and docketed is attached hereto.

Although Applicants do not believe that any fee is due, the Commissioner is authorized to charge any fees due to counsel's Deposit Account No. 20-0782/SEDN/168CIP1.

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